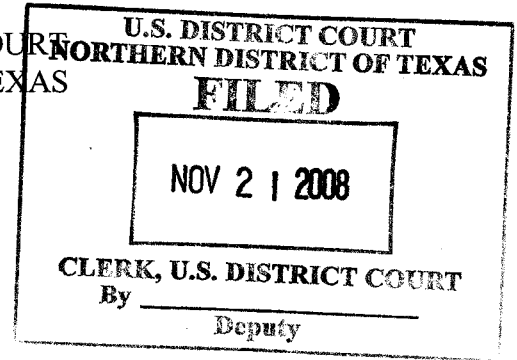


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



JOSEPH AUSTIN,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:06-CV-0119


ORDER ADOPTING REPORT AND RECOMMENDATION
and DENYING PETITIONER'S 60(b)(1) MOTION

Petitioner has filed with this Court a motion for relief from a judgment or order under Rule 60(b)(1) of the Federal Rules of Civil Procedure. On October 31, 2008, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the motion be denied. As of this date, no objections to the Magistrate Judge's Report and Recommendation have been filed of record.

Having made an independent examination of the record in this case, the undersigned United States District Judge is of the opinion the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, the motion is hereby DENIED.

IT IS SO ORDERED.

ENTERED this 21st day of November 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE